



Serial No.: 09/880,931

Attorney Docket No. 1761.1004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Yasuhiro GOTOU, et al.

Application No.: 09/880,931

Group Art Unit: 2857

Filed: June 15, 2001

Examiner: Mary C. BARAN

For: MACHINE COMPONENT MONITORING, DIAGNOSING AND SELLING SYSTEM

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Statements of Reasons for Allowance were forwarded in the Notice of Allowability mailed September 24, 2004 and repeated in the Notice of Allowability mailed November 8, 2004.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, in the statement of reasons for allowance noted at page 2, item 3 of the Notice of Allowability, the Examiner states: “[C]laims are allowable over the prior art because a machine component monitoring system monitoring machine components used in a machine system, a plurality of said machine components each having rolling elements, said machine component monitoring system comprising: determining units wherein each of the determining units determines whether a defect signal component contained in the sensor waveform deviates from a predefined range, and in the event that the defect signal has been determined as deviating from the predefined range, determines the presence of a defect waveform abnormality as the abnormality in the sensor waveform is not found, taught, or suggested in the prior art of record.”

Independent claims 19, 20, 30, 31, and 46-48 do not recite determining units, defect signal components, or sensor waveforms.

Additionally, claims 19 and 20 recite: “[a] machine component monitoring and diagnosing system monitoring and diagnosing a machine component having rolling elements, which system comprises:....”, claim 30 recites: “[a] machine component monitoring, diagnosing, and selling system, which comprises:....”, claim 31 recites: “[a] machine component monitoring, diagnosing, and selling system monitoring, diagnosing, and selling a machine component having rolling elements, which system comprises:....”, claim 46 recites: “[a] machine component monitoring and diagnosing method monitoring and diagnosing a machine component having rolling elements through a computer network, which method comprises, at a business establishment of a corporation manufacturing and selling the machine component:....”, claim 47 recites: “[a] machine component monitoring and diagnosing method monitoring, diagnosing, and selling a machine component having rolling elements, which method comprises, at a business establishment of a corporation manufacturing and selling the machine component:....”, and claim 48 recites: “[a] system, comprising:....”

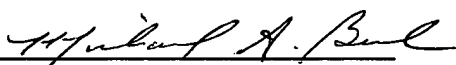
It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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